1   Finally, the Court should sanction Plaintiff in the amount of $400, comprising the one hour

2   that it took defense counsel to prepare this filing and the one hour anticipated for argument on the

3   motion. *See* Wiener Decl.

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5   Dated: April 15, 2008

6

7   DENNIS J. HERRERA
                                     City Attorney
                                     JOANNE HOEPER
8   Chief Trial Deputy
                                     SCOTT D. WIENER
9   Deputy City Attorney

10

11   By:_____

12   SCOTT D. WIENER
                                     Attorneys for Defendants
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<u>Declaration of Scott Wiener</u>

I, Scott Wiener, declare as follows:

1.   I am a Deputy City Attorney in the Office of the City Attorney, counsel of record to Defendants in the above action. I have personal knowledge of the contents of this declaration, except where indicated otherwise, and I could and would testify competently thereto if called upon to do so.

2.   Initial disclosures in this case were due on February 26, 2008, one week before the initial case management conference, which was held on March 4, 2008. To date, Plaintiff has not produced initial disclosures despite repeated requests by me to Plaintiff's counsel, Norman Newhouse, to provide those disclosures and despite repeated statements by Mr. Newhouse that he would provide the material.

3.   On January 18, 2008, after counsel conducted the required Rule 26 conference, my office served by mail requests for production and interrogatories. Attached hereto as Exhibits A and B are true and correct copies of those documents, with proofs of service. Defendants have not granted Plaintiff any extensions to respond. To date, Defendants have not received responses to the requests for productions and interrogatories.

4.   My hourly rate is $200. I spent one hour preparing and overseeing this filing. I anticipate spending in excess of one hour attending the hearing on this motion, including travel time. Defendants therefore request sanctions in the amount of $400.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 15, 2008, at San Francisco, California.

_____
Scott Wiener